

**Rules of**  
**Department of Public Safety**  
**Division 45—Missouri Gaming Commission**  
**Chapter 14—Supervision**

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**Title 11—DEPARTMENT OF  
PUBLIC SAFETY  
Division 45—Missouri Gaming  
Commission  
Chapter 14—Supervision**

**11 CSR 45-14.010 Policy**

*PURPOSE: This rule establishes a policy for using supervision as a proper remedy.*

(1) The commission finds and hereby declares that the continuation of a riverboat gaming operation following lapse, suspension or revocation of a Class A license essential to the operation presents significantly enhanced dangers to the public health, safety, morals, good order and general welfare of the inhabitants of Missouri and should only be permitted when—

(A) The possible adverse economic impact of closure of the riverboat gaming operation upon the specific community in which the operation is located and upon the state generally is significant; and

(B) Continued gaming operation pursuant to a supervisorship would facilitate speedy transfer of ownership of the riverboat gaming operation in a manner that does not unreasonably endanger the public health, safety, morals, good order and general welfare.

*AUTHORITY: sections 313.004, 313.800, 313.805 and 313.812, RSMo 1994.\* Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

*\*Original authority: 313.004, RSMo 1993, amended 1994 and 313.800, 313.805 and 313.812, RSMo 1991, amended 1993, 1994.*

**11 CSR 45-14.020 Determination to Seek Supervisor**

*PURPOSE: This rule establishes the standard for the commission to follow in requesting supervision.*

(1) By applying for a Class A license the applicant irrevocably authorizes the commission to appoint a supervisor following revocation, suspension or lapse of an essential gaming license. The decision to file this petition is discretionary with the commission, and in determining whether the petition shall be filed, the commission shall consider, at

any time following issuance of an order revoking, suspending or allowing lapse of a Class A license—

(A) The nature of the violation which resulted in the revocation, suspension or lapse;

(B) The ability and actions taken, if any, for a removal by licensees in good standing of persons who committed the violation;

(C) The involvement during a proposed supervisorship in any riverboat gaming operation of persons whose licenses were revoked, suspended or lapsed;

(D) The economic impact of closure of the gaming operations upon the community in which the establishment is located;

(E) The economic impact of closure of the gaming operations upon the state of Missouri;

(F) The prior efforts, if any, to sell the riverboat gaming operation;

(G) The involvement, if any, of undisclosed interests in the riverboat gaming operation;

(H) The presence, if any, of a publicly-traded holding company and the public trading that would occur during a supervisorship;

(I) The current status of all fees and taxes applicable to the operation;

(J) The adequacy of existing financing for the operation, if continued, and the suitability of the source of that financing;

(K) The impact upon public confidence and trust that gaming operations in Missouri are conducted honestly, competitively and free from criminal and corruptive elements;

(L) The ownership of the riverboat gaming operation or any interest in it by persons other than the offending or lapsed licensee;

(M) Any other matter or material necessary to a full and complete consideration of the particular circumstances presented; and

(N) The availability of two (2) or more persons qualified and willing to assume the position of supervisor for the riverboat gaming operation in question.

(2) The commission may decline to petition for appointment of a supervisor if satisfied that because of any of the considerations of subsections (1)(A)–(M) or for any other reason, a continuation of the riverboat gaming operation would not be in the best interest of the state of Missouri, the gaming industry, or both.

(3) The commission will not petition for a supervisor to continue riverboat gaming operations if—

(A) A rehearing has been granted by the commission to the licensee on the revocation

or suspension of his/her Class A license and the rehearing has not been concluded;

(B) The gaming establishment has never been in operation and opened to the public;

(C) The riverboat gaming operation is, or reasonably appears to be, insolvent; or

(D) Gaming operations ceased at the establishment for any reason prior to revocation, suspension or lapse of an essential license.

*AUTHORITY: sections 313.004, 313.800 and 313.805, RSMo 1994.\* Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

*\*Original authority: 313.004, RSMo 1993, amended 1994 and 313.800 and 313.805, RSMo 1991, amended 1993, 1994.*

**11 CSR 45-14.030 Authority of Supervisor**

*PURPOSE: This rule establishes the authority of the supervisor.*

(1) The supervisor shall be the attorney-in-fact for the licensee and shall have the authority to affix the signature of the licensee to any document the licensee could lawfully execute.

*AUTHORITY: sections 313.004 and 313.805, RSMo Supp. 1993.\* Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994.*

*\*Original authority: 313.004, RSMo 1993, amended 1994 and 313.805, RSMo 1991, amended 1993, 1994.*

**11 CSR 45-14.040 Termination**

*PURPOSE: This rule establishes procedure to terminate supervision.*

(1) Once a license essential to a continuation of the riverboat gaming operations has been revoked, suspended or has lapsed, there is no right or interest in any person to further conduct gaming at the establishment and the commission may seek termination of a supervisorship for any cause deemed reasonable by the commission.

(2) Without limiting section (1), the commission may seek termination whenever—

(A) License fees and taxes are not paid when due;

(B) The riverboat gaming operation enters into voluntary or involuntary bankruptcy proceedings;

(C) The riverboat gaming operation's debts exceed the value of its assets or it cannot meet its debts as they become due;

(D) A former Class A licensee, his/her agent, employee or representative is determined by the commission to have violated any statute or rule relating directly or indirectly to gaming or the administration of the supervisorship, other than the violation, if any, which resulted in the revocation, suspension or lapse;

(E) The death, disability or removal of the supervisor;

(F) Closure of gaming operations at the establishment for any reason, regardless of fault; or

(G) Any circumstances which, in the determination of the commission, renders continued operations under the supervisorship impractical or detrimental to the interest of Missouri or licensed gaming, or both.

**AUTHORITY:** sections 313.004, 313.800, 313.805 and 313.812, RSMo 1994.\* *Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

*\*Original authority: 313.004, RSMo 1993, amended 1994 and 313.800, 313.805 and 313.812, RSMo 1991, amended 1993, 1994.*

(C) Amounts deemed necessary by the supervisor to preserve the assets of the riverboat gaming operation; and

(D) A reserve fund sufficient, in the determination of the supervisor, to facilitate continued operation in light of pending civil litigation, disputed claims, contractual obligations, taxes, fees and any other contingency known to the supervisor which may require payment by the establishment.

**AUTHORITY:** sections 313.004, 313.800, 313.805 and 313.812, RSMo Supp. 1993.\* *Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994.*

*\*Original authority: 313.004, RSMo 1993 and 313.800, 313.805 and 313.812, RSMo 1991, amended 1993.*

## 11 CSR 45-14.050 Distribution of Earnings to Former Legal Owners

**PURPOSE:** *This rule establishes procedure to distribute profits to former owners.*

(1) A supervisor shall not distribute earnings of the riverboat gaming operations to the former licensee until deduction is made for—

(A) The costs of the supervisorship, including compensation and expenses incurred by the supervisor and those engaged by him/her to aid in his/her duties, then due and owing;

(B) Amounts deemed necessary by the supervisor for continuing the operation of the establishment, including, but not limited to, bankroll, salaries and foreseeable operating expenses;